

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KENNETH CRUMBLE,)
)
Plaintiff,)
)
v.) No. 4:13-CV-2426-AGF
)
DONNA SHALALA,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Kenneth Crumble for leave to commence this action without payment of the required filing fee [Doc. #2]. Upon consideration of the financial information provided with the motion, the Court finds that plaintiff is financially unable to pay any portion of the filing fee, and therefore, the motion will be granted. Furthermore, after reviewing the complaint and fifty-three-page attachment, the Court will instruct plaintiff to file an amended complaint on a Court-provided form, as more fully set forth below.

The Complaint

Plaintiff seeks monetary relief in this action against Donna Shalala (former Secretary of Health and Human Services). It is unclear to the Court exactly what the nature of Plaintiff's claims are in this case. Rather than complete the Section IV

“Statement of Claim” section of the Court-provided complaint, Plaintiff has chosen to attach a fifty-three-page exhibit, consisting of numerous Social Security Administration documents, a handwritten letter from plaintiff to the Federal Bureau of Investigation, documents relating to a major medical plan at Stix, Baer & Fuller, worker’s compensation documents, and Plaintiff’s own handwritten account pertaining to his social security disability insurance benefits.

The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. Even pro se litigants are obligated to abide by the Federal Rules of Civil Procedure. See U.S. v. Wilkes, 20 F.3d 651, 653 (5th Cir. 1994); Boswell v. Honorable Governor of Texas, 138 F.Supp.2d 782, 785 (N.D. Texas 2000); Fed.R.Civ.P. 8(a)(2) (complaint should contain short and plain statement of claims); Fed.R.Civ.P. 8(e)(2) (each claim shall be simple, concise, and direct); Fed.R.Civ.P. 10(b) (parties are to separate their claims within their pleadings the contents of which shall be limited as far as practicable to a single set of circumstances). Although the Court is to give the complaint the benefit of a liberal construction, the Court will not create facts or claims that have not been alleged. Plaintiff is required, to the best of his ability, to set out in a simple, concise, and direct manner, not only his claims, but also the facts

supporting these claims as to each named defendant. Because Plaintiff has failed to do so, the Court is unable to determine the nature of his claims.

Taking into consideration the fact that Plaintiff is proceeding pro se and in forma pauperis, the Court will grant him time to file an amended complaint. The amended complaint shall be typed or legibly handwritten on a Court-provided form for filing a civil complaint. Plaintiff is advised that his amended complaint will supersede his original complaint and will be the only complaint this Court reviews. Moreover, in the section of the complaint entitled "Statement of Claim," Plaintiff must set out, in separate numbered paragraphs and in a simple, concise, and direct manner, the specific facts relative to his claim(s) against Donna Shalala. Plaintiff should not attach exhibits to his complaint. Plaintiff risks dismissal of the instant action if he fails to comply with this Court's instructions.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's second motion for leave to proceed in forma pauperis [Doc. #6] is **DENIED** as moot.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint.

IT IS FURTHER ORDERED that, pursuant to the Court's instructions,

Plaintiff shall file an amended complaint on a Court-provided form within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that, in addition to a copy of this Order, the

Clerk shall forward to Plaintiff the Court-provided form for filing a civil complaint.

IT IS FURTHER ORDERED that Plaintiff's failure to amend his complaint in accordance with this Court's instructions will result in the dismissal of this action, without prejudice and without further notice to him.

Dated this 24th day of January, 2014.

Audrey G. Fleissig

UNITED STATES DISTRICT JUDGE